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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 12 - 00527 MAG
)	
Plaintiff,)	STIPULATION AND
)	PROPOSED ORDER
v.)	
)	
KATHLEEN BORKENHAGEN,)	
)	
Defendants.)	

WHEREAS, the government has filed an information in connection with the above-entitled matter;

WHEREAS, the parties were scheduled for a status hearing before this Court on Monday, September 17, 2012, as to further proceedings in connection with this matter, but which has been reset via clerk's notices to Monday, November 5, 2012, at 9:30 a.m.;

WHEREAS, defense counsel is continuing to review documents in connection with evaluating and analyzing this matter as well as providing relevant documents to the United States, particularly in reference to the nature and amount of restitution;

WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this matter is appropriate in order to ensure effective preparation of counsel, pursuant to 18 U.S.C. §

1 3161(h)(7)(B)(iv);

2 THEREFORE, the parties mutually and jointly agree that time should be excluded from
 3 September 17, 2012, up and including November 5, 2012. The parties agree that excluding time
 4 until November 5, 2012, is necessary, given the need to maintain continuity of counsel. The
 5 parties also agree that failing to grant a continuance would deny counsel for the defense the
 6 reasonable time necessary for effective preparation and continuity of counsel, taking into
 7 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). Finally, the parties
 8 agree that the ends of justice served by excluding time from September 17, 2012, until
 9 November 5, 2012, outweigh the best interest of the public and the defendant in a speedy trial.
 10 Id. § 3161(h)(7)(A).

11 **STIPULATED:**

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 13 DATED: October 12, 2012

/s/
 MANUEL ARAUJO
 Attorney for KATHLEEN BORKENHAGEN

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 17 DATED: October 12, 2012

/s/
 TIMOTHY J. LUCEY
 Assistant United States Attorney

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 19
 20 **ORDER**

21 For good cause shown, the Court enters this order excluding time from September 17,
 22 2012, up to and including November 5, 2012. Specifically, the parties agree, and the Court finds
 23 and holds that such that time should be excluded until November 5, 2012, and furthermore that
 24 failing to grant a continuance and exclude time until November 5, 2012, would unreasonably
 25 deny the defendant effective preparation of counsel, taking into account the exercise of due
 26 diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

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1 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
2 excluding time from September 17, 2012, through November 5, 2012, outweigh the best interest
3 of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

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5 **IT IS SO ORDERED.**

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7 **DATED:** 10/16/2012

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9 HON. PAUL S. GREWAL
10 United States Magistrate Judge
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